

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

24-MJ-575

-v-

AFFIDAVIT

CHRISTOPHER RIVERS,

Defendant

State of New York)
County of Monroe) ss
City of Rochester)

I, Vincent Re, affirm to the following facts:

1. I have been a Monroe County Deputy Sheriff since 2003. Since becoming a Deputy Sheriff, I have worked with federal, state, and local law enforcement officers on numerous investigations involving narcotics trafficking, and firearms offenses, and have assisted in a number of successful investigations of drug distribution networks and firearms trafficking organizations. From 2018 until 2022, I was assigned to the Drug Enforcement Administration (DEA) Task Force in Rochester, NY as a Task Force Officer. There, I was involved in the execution of search and seizure warrants on drug trafficking locations, made arrests for violations of state and federal drug and firearms laws, and authored supporting affidavits in support of said court authorized search and seizure warrants. Furthermore, I have participated in the investigation of numerous drug trafficking conspiracies and cases involving the use of court-authorized interceptions of wire and electronic communications

and authored supporting affidavits in support of said court-authorized interceptions. I am currently assigned to the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) Violent Crimes Task Force and am assigned to the Rochester, NY Field Office as a Task Force Officer. I further state that I am the kind of Task Force Officer as delineated in Title 18, United States Code, Section 3051.

2. This affidavit is submitted in support of a criminal complaint against Christopher RIVERS, (hereinafter "RIVERS"), for the violation of Title 18, United States Code, Section 922(g)(1) (Felon in Possession of a Firearm).

3. The assertions made herein are based solely upon the personal knowledge of your affiant or upon information I have received from this investigation, including various police reports produced in relation to the arrest of the defendant, discussions with other law enforcement agents and officers, all of which are true and correct to the best of my knowledge and belief. Further, your affiant has had discussions with law enforcement officers involved in this investigation who have confirmed the accuracy of the information contained within this affidavit. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that the defendant committed the above-mentioned offenses. In support thereof, I respectfully state the following:

4. On June 30, 2024, The Monroe County Sheriff's Office (MCSO) was participating in a multi-jurisdictional stolen car detail in the City of Rochester. At around 8:40 P.M. MCSO Deputies Koenig and Schirtz, who were riding in a marked MCSO patrol vehicle and in full uniform, were on Jefferson Avenue on the west side of the City of Rochester. At this time, Deputies Koenig and Schirtz observed a red Honda motorcycle approaching their patrol vehicle at a high rate of speed from the north. Said red Honda motorcycle passed by the MCSO patrol vehicle and turned down a side street. A few moments later, while stationary in a parking lot on Flint Street, Deputies Koenig and Schirtz observed the same red Honda motorcycle approach their location and begin driving circles in front of the deputy's patrol vehicle doing tire burn outs while yelling and taunting the deputies. At this time both Deputy Koenig and Deputy Schirtz stepped out of their patrol vehicle and verbally ordered the operator of the motorcycle to pull over and get off the motorcycle. The operator, who was later identified as Christopher RIVERS shouted "fuck you" at both deputies. Rather than getting into a chase with RIVERS, the deputies decided to disengage, and returned to their patrol vehicle and drove west on Flint Street.

5. RIVERS then began to follow the deputy's patrol vehicle at which time RIVERS passed by the patrol vehicle and began driving slowly in front of the patrol vehicle. Deputy Koenig then stopped the patrol vehicle at the intersection of Jefferson Ave and Flint Street. At this time, RIVERS began driving in circles in the intersection along with driving against traffic into oncoming lanes of travel during which time numerous other motorists were on the roadway. With the MCSO patrol vehicle still stationary at the intersection, RIVERS drove up on the sidewalk alongside the marked MCSO patrol car occupied by two

uniformed MCSO deputies and shouted "I'm gonna fucking kill you". RIVERS then drove south on Jefferson Ave at which time Deputy Koenig followed RIVERS and attempted a traffic stop by activating the patrol vehicles overhead emergency lights. RIVERS refused to stop all while driving in and out of the oncoming lane looking back at the patrol vehicle holding up a cellphone.

6. At approximately 10:50 P.M. MCSO deputies were at the corner of Genesee St and Barton St. RIVERS was observed turning his motorcycle around in traffic and drive towards the deputy's location. RIVERS then began driving in circles into oncoming traffic nearly striking other motorist as well as driving up on the sidewalk where several pedestrians were walking. The deputies exited their patrol vehicle in an attempt to protect pedestrian foot traffic. At this time, RIVERS drove right up along side Deputy Koenig and began spitting at Deputy Koenig.

7. At approximately 10:56 P.M., deputies observed RIVERS drive north on Genesee St. Deputy Koenig then observed RIVERS turn around and drive south back in the direction of the deputies. At this time RIVERS was attempting to stand on the seat of the motorcycle at which time RIVERS struck a Chevy Impala at intersection of Genesee St and Seward St.

8. When Deputy Koenig approached RIVERS and his motorcycle, RIVERS began to run away. RIVERS then turned around and ran back towards the crashed motorcycle. Deputy Koenig then observed RIVERS bending down and picking up a black

handgun that was on the street right next to the downed motorcycle. Several members of MCSO then converged on RIVERS to place him in custody, but RIVERS resisted. During the struggle, RIVERS lost control of the handgun and it landed a few feet away from where deputies were attempting to gain control of RIVERS. MCSO Deputy Ott immediately secured the handgun. The handgun was determined to be a Smith & Wesson model MP40 40. caliber with ten (10) live rounds of 40. caliber ammunition in the magazine.

9. RIVERS resisted deputies' efforts to take him into custody refusing to unfold his arms which were folded around his body. RIVERS was eventually taken into custody at which time officers observed that he had an empty handgun holster in his waistband.

10. In connection with this investigation, your affiant has reviewed RIVERS' criminal history:

- On May 23, 2019, Rivers pled guilty to being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1), before Judge David G. Larimer (Case # 19-CR-6066). On August 6, 2019, Judge Larimer sentenced RIVERS to 30 months in prison, followed by three years supervised release.
- On or about October 31, 2016, RIVERS was convicted upon a plea of guilty to Criminal Possession of a Weapon: Possessing a Firearm, a class E felony, in Orleans County Court, for which he was sentenced to one year incarceration.

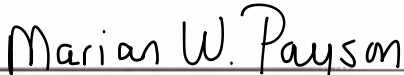
11. Your affiant learned from ATF Special Agent and Interstate Nexus expert Justin Schaefer that the handgun recovered from RIVERS was not manufactured in the State of New York and would have necessarily traveled in and affected interstate commerce in order to be possessed in New York.

12. Based on the above information, I submit there is probable cause to believe that on or about June 30, 2024, in the City of Rochester, County of Monroe, New York, Christopher RIVERS was in violation of Title 18, United States Code, Section 922(g)(1) (Felon in Possession of Firearm).



VINCENT A. RE, JR.
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

Affidavit submitted electronically by email in .pdf format.
Oath administered, and contents and signature attested
to me as true and accurate telephonically pursuant to
Fed. R. Crim. P. 4.1 and 41(d)(3) on this 2nd day of August 2024.



HON. MARIAN W. PAYSON
United States Magistrate Judge